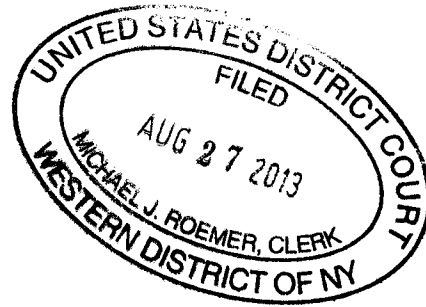


UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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-PS-O-

KENNETH NICHOLSON, 09A5751,

Plaintiff,

-v-

DECISION AND ORDER  
13-CV-6072G(P)

BRIAN FISCHER, Commissioner;  
DALE ARTUS, Superintendent;  
THOMAS J. STICHT, D.S.S.;  
G. LUCAS, Correction Lieutenant;  
JAMES JOHNSON, Correction Sergeant;  
JASON BARRETT, Correction Officer;  
JAMES FRANCE, JR., Correction Officer  
and RICHARD BROOKS, Correction Officer;  
PAUL CHAPPIUS, JR., Superintendent;  
T. SWEETS, Counselor/ORC;  
W. ABRUNZO, Grievance Supervisor;  
Correction Officer KELSEY, Nurse Practitioner and in  
their Official Capacities; BENNETT, Correction Officer;  
THERESA A. KNAPP-DAVID, Associate Commissioner;  
ANTHONY J. ANNUCCI, Acting Commissioner;  
and J. POWERS, Correction Sergeant;

Defendants.

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Plaintiff Kenneth Nicholson, proceeding *pro se*, has filed a Second Amended complaint as directed by the Court's Order of July 25, 2013 (Docket No. 33). The Second Amended Complaint has been screened pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(a), and shall be served.

Plaintiff's Second Amended Complaint adds as defendants the Director of Special Housing Albert Prack, Corrections Sergeant Collimer, Corrections Officer T. Hughes, Corrections Officer R. Sullivan, and Corrections Officer Long. Parole Chairperson Andrea Evans, Director of Classification Bryan Locklin, and Correction Officer/Law Library Supervisor Steven Lee are no longer named as defendants, and are, therefore, terminated. The Clerk of the Court is directed to

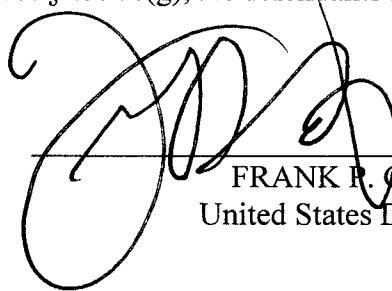
correct the Docket to reflect the above, and to cause the United States Marshal to serve copies of the Summons, Second Amended Complaint, and this Order upon defendants, without plaintiff's payment therefor, unpaid fees to be recoverable if this action terminates by monetary award in plaintiff's favor.

Because the Supplemental Complaint has been superceded by the Second Amended Complaint, the motion by some of the defendants to dismiss the supplemental complaint (Docket No. 28) is denied as moot. Pursuant to 42 U.S.C. § 1997e(g), the defendants are directed to answer.

IT IS SO ORDERED.

DATED:

August 26, 2013  
Rochester, New York



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FRANK P. GERACI, JR.  
United States District Judge